



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,443	03/14/2004	James E. Chitwood		1787

24245 7590 01/17/2006

WILLIAM BANNING VAIL III  
3123 198TH PLACE SE  
BOTHELL, WA 98012

EXAMINER

BEACH, THOMAS A

ART UNIT PAPER NUMBER

3671

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/800,443	<b>Applicant(s)</b> CHITWOOD ET AL	
	<b>Examiner</b> Thomas A. Beach	<b>Art Unit</b> 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### **DETAILED ACTION**

1. The request to draft an acceptable claim is acknowledged by the Examiner. However, since the claims amended claims remain rejected and the allowable subject matter for which the applicant seeks as patentable is not readily clear, no claim has been presented at this time. Further consideration is required by the applicant and Examiner to distinguish the allowable subject matter for which the applicant seeks as patentable.

#### ***Claim Rejections - 35 USC § 102***

2. Claims 3 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Coats 6,615,848. As concerns claim 3, Coats shows a flowline for producing hydrocarbons from a subsea well that is comprised of a substantially neutrally buoyant tubular composite umbilical means (figures 1-2), whereby the tubular composite umbilical means that contains produced hydrocarbons is substantially neutrally buoyant in the sea water adjacent to the subsea well (abstract) and anchored in one location 48.

As concerns claim 6, Coats shows a flowline for producing hydrocarbons from a subsea well that is comprised of a positively buoyant tubular composite umbilical means, whereby the tubular composite umbilical means (figures 1-2) that contains any produced hydrocarbons is positively buoyant in the sea water adjacent to the subsea well (abstract) and anchored in one location 48.

***Claim Rejections - 35 USC § 103***

3. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Costa Filho 5,289,561 in view of Quigley et al 6,663,453. Costa Filho shows a flowline for producing hydrocarbons from a subsea well that is comprised of a tubular 78 composite umbilical means that possesses electrical heating means 31 within the tubular walls of the tubular composite umbilical means to prevent waxes and hydrates from forming within the flowline and blocking the flowline (fig.1 and 6-7), whereby the electrical heating means is comprised of at least one electrical conductor disposed within the tubular walls of the composite umbilical means that conducts electrical current that is used to heat the tubular composite umbilical means, and whereby the tubular composite umbilical means that contains any produced hydrocarbons and is anchored 17 to the seafloor at at least one location. Costa Filho does not show a substantially neutrally buoyant flow line and is substantially neutrally buoyant in the sea water adjacent to the subsea well; however, Quigley shows a similar flowline (fig 12) for producing hydrocarbons from a subsea well including buoyancy means that allows for neutral or positive buoyancy (col. 1, lines 1-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Costo Filho, as taught by Quigley, to include buoyancy to prevent damage to the flowline by its weight (having to be thicker the deeper the flowline) at greater depths while maintaining flow performance.

### ***Response to Arguments***

4. Applicant's arguments filed 10/03/05 have been fully considered but they are not persuasive and are moot in view of the new grounds of rejection. Applicant's arguments regarding Coats having a different reason for the buoyancy of the flowline are noted; however, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Beach whose telephone number is 571.272.6988. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571.272.6998. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

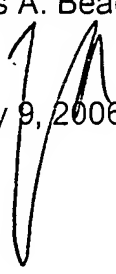
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 3671

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas A. Beach

January 9, 2006

A handwritten signature in black ink, appearing to be 'T. Beach', written over the date.

**THOMAS A. BEACH**  
Patent Examiner  
Group 3600